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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

FEB 18 2003

MARC SPITZER, Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

DOCKETED BY

IN THE MATTER OF MIDVALE TELEPHONE
EXCHANGE, INC.'S APPLICATION FOR
AUTHORITY TO INCREASE RATES AND FOR
DISBURSEMENT FROM THE ARIZONA
UNIVERSAL SERVICE FUND.

DOCKET NO. T-02532A-00-0512

DECISION NO. 65645ORDER NUNC PRO TUNC

Open Meeting
February 11 and 12, 2003
Phoenix, Arizona

BY THE COMMISSION:

On September 5, 2001, the Commission issued Decision No. 64011 in this docket.

On December 20, 2001, Qwest Corporation ("Qwest") and Midvale Telephone Exchange, Inc. ("Midvale") filed in this docket a Stipulation for Correction of Midvale's CC&N and Request for an Order *Nunc Pro Tunc* Validating the Correction ("First Stipulation").

On March 19, 2002, the Commission's Utilities Division Staff ("Staff") filed comments in response to the First Stipulation.

On January 24, 2003, Midvale, Qwest and Staff filed a Stipulation for Clarification of Midvale's CC&N and Request for an Order *Nunc Pro Tunc* Incorporating the Clarification in this docket ("Second Stipulation").

First Stipulation and Staff's Response

In the First Stipulation, Qwest and Midvale request that certain real property described as Section 31, Township 5N, Range 6E of the Gila and Salt River Base and Meridian, Maricopa County, Arizona ("Section 31") be deleted from Midvale's Certificate of Convenience and Necessity ("CC&N") service territory. Qwest and Midvale state in support of their request that Decision No. 64011 granted Midvale's request to extend Midvale's CC&N to encompass the Millsite and Silver Bell exchanges, which include Section 31. The First Stipulation states that at the time Decision No. 64011 was issued, Qwest's tariff maps on file with the Commission did not accurately reflect the fact

1 that Qwest's service territory also encompasses Section 31. After the issuance of Decision No.
2 64011, Qwest filed revised maps with the Commission that accurately delineate Qwest's service area.
3 Consequently, at this time, Qwest's tariff maps and Midvale's CC&N both encompass Section 31.
4 The First Stipulation asserts that deletion of Section 31 from Midvale's CC&N territory will not
5 prejudice any customer or any party to Decision No. 64011.

6 Staff states in its response to the First Stipulation that it does not oppose the correction of
7 Midvale's CC&N to delete Section 31, and affirms that Qwest is, and has been, serving customers in
8 Section 31. In its response, Staff also describes an additional correction to Midvale's CC&N territory
9 which was addressed in the hearing record but was not reflected in Decision No. 64011. Staff states
10 that Section 33, Township 14N, Range 2E, which is a part of Qwest's Humboldt exchange and
11 included in Qwest's tariff map on file with the Commission ("Section 33"), should not be included in
12 Midvale's CC&N service territory. Staff states that it has consulted with both Qwest and Midvale
13 about this issue, and that there is no dispute by either Qwest or Midvale that Section 33 is in Qwest's
14 service area. Staff further states that on February 27, 2002, Midvale filed a corrected service area
15 map deleting Section 33 from its Millsite Exchange Henderson Valley service area.

16 Second Stipulation

17 By their joint filing of the Second Stipulation, Midvale, Qwest and Staff seek clarification that
18 Midvale's CC&N as expanded by Decision No. 64011 includes what is referred to as the Granite
19 Mountain Exchange. In Decision No. 64011, the Commission granted Midvale's request for
20 expansion of its CC&N and ordered that "... Midvale Telephone Exchange Inc.'s request for an
21 extension of its Certificate of Convenience and Necessity to serve the Millsite and Silver Bell
22 exchanges shall be granted."

23 The Second Stipulation explains that the Silver Bell exchange encompasses the Rio Verde
24 noncontiguous area, which has now become a separate and independent exchange referred to as the
25 Granite Mountain Exchange. Midvale, Qwest and Staff believe that while their requested
26 clarification would not result in any modification to the geographic area approved in Decision No.
27 64011, that the clarification is necessary to ensure that there is no confusion in the future regarding
28 the exchanges included in the Midvale CC&N territory expansion granted in Decision No. 64011.

The corrections requested by the First Stipulation and Staff's response thereto, and the clarification requested by the Second Stipulation will result in no prejudice to any customer or any party to this proceeding. Based on the facts and reasoning set forth in the First Stipulation, Staff's response thereto, and the Second Stipulation, the requests therein are reasonable and should be granted.

IT IS THEREFORE ORDERED that Decision No. 64011 (September 5, 2001) is hereby corrected deleting Section 31, Township 5N, Range 6E of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and Section 33, Township 14N, Range 2E of Gila and Salt River Base and Meridian, Yavapai County, Arizona, from the service area of Midvale Telephone Exchange, Inc.

IT IS FURTHER ORDERED that it is hereby clarified that Decision No. 64011 (September 5, 2001) extended the service area of Midvale Telephone Exchange, Inc. to include the Granite Mountain Exchange, and that this clarification results in no modification to the geographic service territory approved in Decision No. 64011.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 18th day of February, 2003.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____

DISSENT _____

MES:mlj

65645

1 SERVICE LIST FOR:

MIDVALE TELEPHONE EXCHANGE, INC.

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3 DOCKET NO.:

T-02532A-00-0512

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